



COURT NEWS

Hearing Documents High Cost of Budget Cuts

Testimony Highlights Human Costs of Reduced Services

BLAINE CORREN

Maureen needed medication but had no way to get it. She was living on the streets and had already been arrested several times.

She was arrested again, and this time she was facing a lengthy prison term. Her attorney told her about the Superior Court of Riverside County's mental health court and alternative sentencing program. Once Maureen was in the program, her caseworker helped her get access to a benefits counselor, a psychiatrist, and an occupational therapist.

Thanks to Riverside's mental health court, Maureen is a different person today. Instead of being a financial burden on the state as a prison inmate, she is now a contributing member of

her community. More importantly, Maureen finally got the support she needed and regained the hope she had lost.

HEARING PUTS FACE ON BUDGET CUTS

Maureen's was just one of the many stories court leaders heard at a special judicial branch hearing to collect information about the effects of budget cuts on vital court programs and services. The Judicial Council held the first-of-its-kind hearing on April 23 at the Hiram W. Johnson State Office Building in San Francisco. The council provided a live audiocast on the California Courts Web site, and the hearing was subsequently televised on the California Channel.

The council heard testimony from more than 30 stakeholders in the justice system. The speakers included judges, court administrators, court employees, attorneys, legal service providers, and law enforcement officers.

But perhaps the most compelling testimony came from the people ultimately affected by reductions in court services: the public. The council heard from victims of elder abuse and domestic violence, clients of small claims court and legal assistance centers, and individuals who had found help in juvenile, drug, and homeless courts.

"Drug court saved my life," said Shane H., who had custody of his two daughters and was living in a hotel at the time of his arrest. "It taught me to rethink and learn to live again. It not only saved my life but the lives of my daughters. Now I have tools and a support system. I've lived in the same place for three years now."

The council also heard from Angela A., a client of the Superior Court of Fresno County's homeless court program. "I was never so grateful," said Angela, who was able to have her traffic fines reduced to community service and regain her driver license through the program. "[Homeless court] gives people a chance to get on their feet. I was able to get a job, be productive, and provide a home for my family. Homeless court is very powerful for people who otherwise would never have another chance."

COURT STAFF FEELING EFFECTS

Judges and court executive officers painted the council members a picture of the effects of budget reductions on court staffs and services to the public.

Superior Court of El Dorado County Presiding Judge Suzanne N. Kingsbury testified that the Superior Courts of El Dorado and Yolo Counties have job vacancy rates of 18 percent and that many others have rates above 10 percent.

"Our region's smaller courts have unique problems with staffing and funding because employees must become generalists, and many programs or projects are handled by only one or two people," said Presiding Judge Kingsbury. "Therefore, cutting a position in a small court can lead to eliminating or greatly hampering the ability of an innovative program to operate."

Jody Patel, Executive Officer of the Superior Court of Sacramento County, described how court executives have been forced to keep vacant positions



Judicial Council members heard testimony from court leaders, staff, and court users at a special judicial branch hearing to collect information about the effects of budget cuts on vital court programs and services. The council held the first-of-its-kind hearing on April 23 at the Hiram W. Johnson State Office Building in San Francisco.

open for years and how some courts have implemented mandatory furloughs. "Nevada and Siskiyou have laid off their temporary employees, while San Joaquin has laid off its temporary and part-time employees, [including] traffic hearing officers and juvenile court referees," said Ms. Patel.

Ms. Patel added that the courts in Butte and Sacramento Counties are seeing an increase in the numbers of workers' compensation claims that attribute injuries to increased workload and reduced staff. "Reductions in staffing levels prevent us from

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New Rules for Out-of-State Attorneys

The California Supreme Court has adopted rules that will permit limited practice of law in California by attorneys who are licensed in other jurisdictions but not in California. The new rules cover in-house counsel; legal services attorneys; litigation attorneys in California, in anticipation of litigation or in connection with litigation elsewhere; and nonlitigation attorneys temporarily in California.

DEVELOPING THE RULES

The Supreme Court's Advisory Task Force on Multijurisdictional Practice considered whether lawyers who had not been admitted to the State Bar of California might be permitted to perform legal services in the state, and under what circumstances. In its final report the task force recommended several actions, including the creation of an implementation committee to develop specific rules for adoption by the court.

In response, the Supreme Court in 2002 appointed the Multijurisdictional Practice Im-

plementation Committee—chaired by San Francisco attorney Raymond Marshall. The committee encompassed the perspectives of multiple constituents, including civil and criminal litigators, private and public attorneys, lawyers and laypersons, and transactional and trial counsel. The committee drafted rules and circulated them to the State Bar, local and specialty bars, presiding judges and justices, court administrators, and the public to solicit their comments.

The committee's report to the Supreme Court in which it recommended the new rules stated that the committee "honored the direction of the Chief Justice not to promote the interests of any particular constituency but to consider a range of perspectives and experiences and design rules that would promote the public good." The report also noted that the primary concern of the committee was to "provide consumers of legal services with the greatest range of choices among legal representatives while ensuring their

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**New
Statewide
Bench-Bar
Conference**

Coming in
September 2005

See story on page 3.



Chief Justice
Ronald M.
George

MESSAGE FROM THE CHIEF JUSTICE

Ensuring Fair and Equal Access to the Courts

As current president of the Conference of Chief Justices (CCJ), Chief Justice Ronald M. George addressed the attendees of the National Consortium on Race and Ethnic Fairness in the Courts on April 16 in Washington, D.C. The Chief highlighted CCJ's efforts to promote and ensure fair and equal access to the judicial system. Following is an excerpt from his remarks.

I have been asked to speak to you today to provide some background on how the Conference of Chief Justices has grappled with issues concerning access and fairness in our courts. This year, I am honored to serve as president of that organization.

As you may know, the Conference of Chief Justices is a national organization that includes the Chief Justices of the 50 states as well as the commonwealths and territories of the United States. The mission of the conference is to improve the administration of justice by effectively mobilizing the collective resources of the highest judicial officers of the states and the other entities represented in its ranks. The group's focus has been on promoting the vitality, independence, and effectiveness of state judicial systems. Together, we have been able to develop proposals for change that advance our common goals and provide better public service. . . .

The public is entitled in every state to a forum accessible to all and free from bias—regardless of race, ethnicity, gender, sexual orientation, disability, or economic status.

PROTECTING ACCESS TO JUSTICE FOR ALL PEOPLE

The focus of state courts on these issues is particularly important because more than 90 percent of litigation in this country occurs in the state courts. Decisions are made every day in the state courts affecting basic interests, including personal liberty, family relationships, employment rights, freedom from discrimination, and the future of our children. The public is entitled in every state to a forum accessible to all and free from bias—regardless of race, ethnicity, gender, sexual orientation, disability, or economic status. CCJ and COSCA [the Conference of State Court Administrators] are committed to working to achieve that goal.

STUDYING THE ISSUES

In the late 1980s court systems across the nation began to create special committees to study gender bias in the courts. CCJ and COSCA proved to be excellent vehicles for communicating the progress of these efforts and the results being gathered across the nation. In 1986 the first Discrimination in the Courts Committee, now known as the Joint CCJ-COSCA Committee on Access to and Fairness in the Courts, was appointed. The group's current chairs are Chief Justice Ronald Moon from Hawaii and Ohio Administrative Director of the Courts Steven Hollon.

By 1988 the decision was made to designate the group as a standing committee of the conference. That same year, CCJ adopted two resolutions proposed by the committee. The first urged state judicial leaders to encourage nondiscriminatory employment policies and programs in their workforces in order to attract the full participation of all segments of society. The conference also called upon the individuals in our sister branches of government engaged in the selection and appointment of persons to the bench to incorporate these values in fulfilling their role.

Later that year, the conference urged every Chief Justice "to establish separate task forces devoted to the study of (1) gender bias in the court system and (2) minority concerns as they relate to the judicial system."

WORK IN CALIFORNIA

California was an early participant in these efforts. In 1987 an Advisory Committee on Gender Bias in the Courts began its work in our state. After it submitted its recommendations, I was fortunate to serve from 1991 to 1994 as the chair of the Advisory Committee to Implement the Gender Fairness Report, which encompassed approximately 65 specific recommendations.

In 1991 the California Advisory Committee on Racial and Ethnic Bias in the Courts was created. Finally, in

1994 an umbrella group, the Access and Fairness Advisory Committee, was created by our state's Judicial Council to review and make recommendations about fairness issues in the courts related to race, ethnicity, gender, disabilities, and sexual orientation.

Our experience in California was echoed in states across our nation. The information that was gleaned from the various task forces was disseminated among the states, as was information about the development of educational and other programs aimed at helping eradicate not only bias but, equally importantly, the appearance of bias from our courts.

CCJ RESOLUTIONS

The importance of this subject to the Conference of Chief Justices is reflected in the steady stream of resolutions it has passed over the years. In 1993 the conference adopted a Resolution Urging Further Efforts for Equal Treatment of All Persons, reiterating the call of its earlier resolution in 1988 by calling on all Chiefs to establish task forces "to remedy any discrimination and to implement the recommendations of the task force studies."

A year later, the conference endorsed the First National Conference on Eliminating Racial and Ethnic Bias in the Courts, conducted by the National Center [for State Courts] and the State Justice Institute. The resolution urged each Chief Justice to send a representative state team to the conference and to give full consideration to the team's recommendations. The recommendations of that first conference, including the creation of an information clearinghouse capable of conducting national research and developing practical tools, were endorsed by the conference the next year.

Showing its continuing commitment as a national force, the Conference of Chief Justices returned in 1997 to the subject of establishing state task forces to study bias in the courts, and urged the Chief Justices of those states that had not yet employed such committees to appoint them.

A resolution adopted by the conference in 2001 reflects the expansion of its vision to the goal of equal access for all, and its embrace of cooperation with state and local bar organizations and other legal providers. The stated aims of this resolution included removing any physical, economic, psychological, and language barriers to access; establishing and increasing public funding and support to assist those persons engaged in civil litigation in obtaining meaningful access to the judicial system; and exploring ways to expand the types of assistance available to self-represented litigants.

And in 2002 the conference adopted a resolution endorsing principles and strategies set forth in a COSCA *White Paper on State Courts' Responsibility to Address Issues of Racial and Ethnic Fairness* and continuing to urge state judiciaries to address bias and take a leadership role in eradicating it in the justice system. This last resolution also demonstrates the global view taken by the conference as it has urged courts to engage in outreach, initiate interbranch dialogue and cooperation at all levels of government, share strategies and information, and maintain a high-visibility role in court leadership.

The conference's expanded sphere of action reflects the growing awareness in many jurisdictions that courts must take a positive and active role in ensuring the effective administration of justice. As the original measures to address various forms of bias became increasingly institutionalized and effective within the judicial system, courts have focused on other areas of grave concern, as well. The growing number of self-represented litigants, particularly in family law matters, places unique strains on court systems structured to address the traditional needs of litigants represented by learned counsel.

At the same time, those appearing in our courts are drawn from ever more diverse backgrounds. It has become clear that adequate access to justice means far more than simply opening the courthouse doors. It requires ensuring that access is meaningful and can be utilized to vindicate the rights of all those who look to the court system for the fair adjudication of their disputes.

Take Note

For the full text of the Chief Justice's remarks at

the National Consortium on Race and Ethnic Fairness in the Courts, visit the California Courts Web site at www.courtinfo.ca.gov/reference/speech041604.htm.

CJAC Evolves: Council to Co-sponsor Statewide Bench-Bar Event

KAREN THORSON

In lieu of its annual California Judicial Administration Conference (CJAC) in 2005, the Judicial Council will partner with the California Judges Association (CJA) and the State Bar of California to sponsor a statewide bench-bar event. The new event will bring together the CJA annual meeting, the State Bar annual meeting, and a new council-sponsored judicial conference.

The new event—which will take place September 8–11, 2005, in San Diego—not only will provide educational programs but will offer opportunities for judges and attorneys to discuss common issues in the branch. Each of the three partic-

ipating organizations will sponsor its own meetings and educational and social events during the week for its constituents while sharing a venue. In addition, the organizations will co-sponsor at least one general education session and possibly two social events that will be attended by judges and lawyers from all three groups.

SAVE THE DATES!

Statewide Bench-Bar Conference

September 8–11, 2005
San Diego Marriott

“This is a tremendous opportunity for our entire judicial branch to come together,” says William C. Vickrey, Administrative Director of the Courts. “Beyond the efficiency of joint educational programs, the opportunity to partner with the State Bar and the California Judges Association will provide a meaningful experience for all participants as we work together toward the shared goal of improving California’s justice system for the public we serve.”

For the past few years the Judicial Council has considered the value of sponsoring a statewide judicial conference to initiate a dialogue with judges regarding branchwide issues, consolidate a broad array of educational events that otherwise are not

readily available, and initiate a branchwide focus on judicial leadership. The new format for 2005 is designed to accomplish these goals as well as elicit perspectives from State Bar members.

“CJA is excited about the prospect of returning to our historical coordination of annual meetings with the State Bar,” says Superior Court of Los Angeles County Judge Eric Taylor, President of the California Judges Association. “The upcoming October meeting in Monterey with the bar is a great first step. And our expanded coordination with the bar and CJER [Center for Judicial Education and Research] in September 2005 will further allow CJA’s board to play a lead role in fostering fellowship between the bench and bar and enhance our programs at a reduced cost to members.”

Judy Johnson, Executive Director of the State Bar of California, also praised the new event planned for 2005, which will build on the partnership between the bar and the CJA this October. “I am delighted that the State Bar annual meeting will expand in 2005 to include the Judicial Council,” says Ms. Johnson. “Combining the resources of the two sister judicial branch agencies will provide the opportunity for a meeting that enhances the common goals of all judicial branch employees, judges, and lawyers.”

Judicial Council-sponsored events will include advisory committee meetings; a plenary session for all judges, led by the council; and educational programs sponsored by education committees of the Center for Judicial Education and Research. The educational programs will include matters related to access and fairness; civil, criminal, family, juvenile, probate, and mental health proceedings; ethics; and issues especially pertinent for presiding judges and court executive officers.

● For more information, visit the Serranus Web site at <http://serranus.courtinfo.ca.gov/education/> or contact the AOC Education Division/CJER, 415-865-7745. ■



Karen Thorson
Director
AOC Education
Division/Center
for Judicial
Education and
Research

Nominations Open for Kleps Awards

The Judicial Council is accepting nominations for the 2004–2005 Ralph N. Kleps Awards for Improvement in the Administration of the Courts. The awards were created in 1991 in honor of Ralph N. Kleps, the first administrative director of the California courts. The Kleps Awards pay tribute to the innovative, efficient, and effective contributions of individual courts to the administration of justice and help publicize those contributions among other courts.

CHANGES TO AWARDS PROGRAM

In the past, the Kleps Awards have been presented annually in late February, at the California Judicial Administration Conference (CJAC). However, the awards will be presented at a new council-sponsored judicial conference in September 2005 (see story above), which means that 2004–2005 will be a transition period for the awards program. One set of awards for the two calendar years will be given in 2005. Then, beginning in 2006, the Kleps Awards will again be an annual program.

Other changes to the Kleps Awards process are responses to requests from the courts. “Several courts asked us to bring back the special award category for collaborative projects,” says Beth Shirk, AOC program manager for the Kleps Awards. “Not only have the award categories been changed, but the nomination forms have been simplified. The Awards Committee is also very interested in projects that present innovative solutions to ongoing court operational issues, such as file and record management and fine and fee collection.”

AWARD CRITERIA

The Kleps Awards are given in five categories:

- | | |
|------------|---|
| Category 1 | Superior courts with 2 to 10 authorized judicial positions (AJPs) |
| Category 2 | Superior courts with 11 to 39 AJPs |
| Category 3 | Superior courts with 40 or more AJPs |
| Category 4 | Appellate courts |
| Category 5 | Collaborative projects |

Projects nominated for Kleps Awards are judged against the following criteria. Each

project should:

1. Be a product of a California court.
2. Reflect at least one of the six goals of the Judicial Council’s Strategic Plan (access, fairness, and diversity; independence and accountability; modernization; quality of justice and service to the public; education; and technology).
3. Be innovative. “Innovation” is defined as “creating value by initiating practices that enhance judicial efficiency and effectiveness.”
4. Have results, outcomes, or benefits that demonstrate its impact.
5. Be replicable in other courts.

Kleps Awards Committee members in early 2005 will visit the sites of projects that fully meet the award criteria. The committee will then review the nominations and submit recommendations to the Judicial Council in June 2005.

Nomination materials were sent out on May 1 and are due by *October 1, 2004*. They are available online at www.courtinfo.ca.gov/courtadmin/jc/kleps.htm.

● For more information, contact Beth Shirk, AOC Innovative and Effective Practices Unit, 415-865-7870; e-mail: beth.shirk@jud.ca.gov.

AOC Wins Two Top Communication Awards

Two AOC productions won top honors from the State Information Officers Council (SIOC) at its annual awards luncheon in Sacramento on May 13. *Court News*, a bimonthly news-magazine, and *California Courts News* (CCN), a monthly video news-magazine for court professionals, were recognized with Gold Awards for Excellence in Government Communications.

SIOC is a Sacramento-based, nonprofit professional organization whose members meet monthly to educate themselves and discuss trends and developments in

government public information. This year’s award entries were judged by an independent panel of media professionals from communications and public relations firms.

● To view past issues of *Court News*, visit www.courtinfo.ca.gov/courtnews/. *California Courts News* broadcasts are archived at <http://serranus.courtinfo.ca.gov/programs/aocv/ccn.htm>.



Council Amends Rules of Court

At its April 23 business meeting, the Judicial Council made changes to California Rules of Court that address petitions for review, complex cases, limitations on enhancements, uniform bail and penalty procedures, and more. The amendments will become effective July 1.

● To view the amendments, go to www.courtinfo.ca.gov/rules/amendments/apr2004.pdf. For more information, contact Romunda Price, AOC Office of the General Counsel, 415-865-7681; e-mail: romunda.price@jud.ca.gov.

In the News

Broadcast Spotlights Court Funding Challenges

A recent television broadcast highlighted the financial hardships facing the Superior Court of Los Angeles County and the entire judicial branch.

The story aired March 22 on the program *Life and Times*, on KCET-TV (PBS network). The piece featured interviews with Superior Court of Los Angeles County Presiding Judge Robert A. Dukes and State Senator Joseph Dunn (D-Garden Grove), in which they discussed the funding challenges faced by the courts.

Presiding Judge Dukes described the effects of budget reductions on his court, including closed courtrooms, slowed case processing, increased staff workload, and reduced hours at self-help centers. Senator Dunn shared his perspective on the State Budget process and how the judicial system is treated not as a third independent branch of government but as a state department with no stable funding source. And both said the handling of civil matters will suffer most if further budget cuts are made—perhaps necessitating litigants' taking some disputes "to the streets."

The story raised awareness of the budgetary challenges facing the judicial branch and the damage to courts' services to the public.

Other courts in the news:

'State Appellate Court Takes Its Show on the Road,' *Californian* (Salinas), March 29, 2004

Announced that the Court of Appeal, Sixth Appellate District, would hold oral argument at the Monterey City Council chambers as part of its court-community outreach program.

'Students Have Say in Court,' *Tri-Valley Herald*, March 26, 2004; **'Teens Face True Juries of Peers,'** *Record* (Stockton), March 24, 2004; **'Teen Court Debuts in S.J. Schools,'** *Record* (Stockton), February 16, 2004

Highlighted the Superior Court of San Joaquin County's teen court, in which nonviolent expelled students have an opportunity to plead their cases to a jury of their peers.

'Demand for Court Interpreters Prompts New Stan State Program,' *Modesto Bee*, March 22, 2004

Described the Introduction to Court Interpretation program at California State University at Stanislaus, which aims to help alleviate a statewide shortage of court interpreters.

'County Residents Tell Judge Why They Ignored Jury Duty,' *Lodi News-Sentinel*, March 18, 2004

Described proceedings following a countywide "roundup," in which residents were ordered to report to the Superior Court of San Joaquin County and tell a judge why they had failed to show up for jury duty.

'Coming to a Law School Near You: The Second Appellate Court,' *Daily Bruin* (Los Angeles), March 17, 2004

Announced that the Court of Appeal, Second Appellate District, would hold session at the Law School of the University of California at Los Angeles.

'Judges Examine System's Budget Woes,' *Daily Breeze* (Torrance), March 17, 2004

Covered the annual State of the Courts address given by judicial leaders in Los Angeles to the South Bay Bar Association.

'And the Verdict Is . . .,' *Los Angeles Times*, March 11, 2004

Featured a captioned photo depicting a mural at the Van Nuys courthouse that was commissioned by the San Fernando Valley Bar Association in celebration of its 75th anniversary.

'Unique Morada Program Takes On School Truancy,' *Lodi News-Sentinel*, March 5, 2004; **'S.J. Superior Court to Hold Truancy Court,'** *Record* (Stockton), February 27, 2004

Described the truancy court in San Joaquin County, in which habitually truant students meet with a judge, their principal, a police officer, and officials from the school district and the Community Partnership of San Joaquin.

'For Some Offenders, Peer Court Is Just the Right Path to Justice,' *Los Angeles Times*, February 27, 2004

Highlighted Orange County's Peer Court program, which lets first-time offenders who admit their guilt submit the question of punishment to other youths.



A recent story on KCET-TV in Los Angeles (PBS network) featured Superior Court of Los Angeles County Presiding Judge Robert A. Dukes describing the effects of budget reductions on his court. Image: Courtesy of KCET-TV in Los Angeles

'South Placer Justice Center Gets an Environmental OK,' *Auburn Journal*, February 25, 2004

Announced that the Placer County court's plan to build a new courthouse in Roseville is moving forward.

'County to Launch Mental Health Court,' *Marin Independent Journal* (Novato), February 21, 2004

Relayed the Superior Court of Marin County's decision to open a mental health court that will provide treatment and other services for individuals with mental conditions who have ended up in the criminal justice system.

'First Graders Take Field Trip to See Classmate's Adoption,' *Contra Costa Times* (Walnut Creek), February 21, 2004

Described an adoption proceeding in the Contra Costa County family court that was attended by the child's extended family, coaches, and 18 first-grade classmates from Walnut Heights Elementary School.

'Strategic Plan Helps Make Courts People-Friendly,' *Desert Sun* (Palm Springs), February 18, 2004

Described the Superior Court of Riverside County's strategic plan, which was created by judges, court staff, and community members and serves as a long-range guide for operating the court.

'Private-Public Venture May Ease Court Crowding,' *Long Beach Press Telegram*, February 18, 2004

Announced a preliminary proposal by the court and city officials to build a new courthouse.

'Federal Funding for Drug Courts May Aid Local Program,' *Chico Enterprise Record*, February 18, 2004

Highlighted the Superior Court of Butte County's drug court, which is a nationally designated mentor court that saves money by keeping nonviolent drug offenders from returning to jail or state prison.

'Superior Court Offers Documents Online,' *Pasadena Star News*, February 15, 2004

Reported that the Superior Court of Los Angeles County's Web site offers step-by-step instructions for finding documents filed in civil lawsuits.

'Superior Court Presiding Judge Settles In,' *Tracy Press*, February 4, 2004

Announced that the judges of the Superior Court of San Joaquin County had elected Judge Bobby McNatt as their new presiding judge.

'Program Checks Up on Mentally Ill,' *Tribune* (San Luis Obispo), February 2, 2004

Described the Superior Court of San Luis Obispo County's new mental health court program for frequent offenders with mental illness.

'Superior Court Executive Director Sworn In,' *Merced Sun-Star*, February 2, 2003

Announced the appointment of the Superior Court of Merced County's new executive officer, Kathie Goetsch.

'Online Traffic Schools Accelerate the Process,' *Los Angeles Daily News*, February 2, 2003

Reported that the Superior Court of Los Angeles County maintains a list of credible online traffic schools whose certificates are accepted by the court. ■

Jury Reform Milestones

BLAINE CORREN

Following is an update on the many statewide initiatives under way to improve jury service for citizens of California.

COURTS USING NEW MODEL SUMMONS

A new working group composed of judges, executive officers, jury managers, other court administrators, and Administrative Office of the Courts (AOC) staff is overseeing and assisting courts as they begin using a new model summons for calling jurors.

Assembly Bill 1814, which was passed in 2000, contained a mandate to adopt a "standardized jury summons for use, with appropriate modifications, around the state, that is understandable and has consumer appeal." The Task Force on Jury System Improvements developed the model juror summons.

Focus groups of potential jurors reviewed the summons, and it was pilot tested in four superior courts before it was finalized. The Judicial Council endorsed it in December 2003.

The model summons helps the public understand its jury obligations and respond appropriately.

The Model Juror Summons Implementation Working Group met for the first time in March, exploring the challenges and strategies for implementing the new summons statewide. Some superior courts, such as the San Francisco County court, are expected to begin using the model summons this year.

SURVEY OF EMPLOYER PAY PRACTICES

The National Center for State Courts (NCSC) is analyzing more than 35,000 responses to a survey on employer pay policies from Californians who reported to jury service in March. Data from the survey will assist analysts in estimating the costs associated with prospective legislation establishing a tax credit for employers who pay employees during their jury service.

Working with NCSC, the Administrative Office of the Courts will share with the courts

the results of the analysis—including employer pay issues and out-of-pocket costs for jurors—when they are available.

● For more information on the model summons or the NCSC survey, contact John Larson, AOC Jury Improvement Unit, 415-865-7589; e-mail: john.larson@jud.ca.gov.

TECHNOLOGY MAKING JURY SERVICE EASIER

Some superior courts report that, as a result of recent upgrades, 60 to 80 percent of routine juror inquiries and transactions are completed via interactive voice response (IVR) or through the Internet. This technology is freeing staff to handle complex matters and providing around-the-clock access for jurors.

"The IVR system has handled well over half of the daily calls to Jury Services," says Kit Tinagero, an information systems technology specialist at the Superior Court of Marin County. "It runs quite smoothly on its own, and in January-February 2004, of those who attempted to

access their record, only 10 out of 3,790 were unable to find it. We consider the IVR system to be money well spent."

To assist courts in upgrading and enhancing their jury management systems, the AOC has distributed over \$8 million from the Judicial Administration Efficiency and Modernization Fund since 2000-2001. Eleven courts have been approved for new projects this year. Some courts have received funding to enable their systems to process juror checks, reducing reliance on county financial services and speeding up payments to jurors.

"Since we've started writing our own checks, our jurors are happier to serve, knowing they will be paid in a timely manner," says Sharon Prentiss, a court administrative services manager at the Superior Court of San Bernardino County. "We are also saving \$10,000 per month in county charges."

● For more information about jury technology projects, contact Jane Evans, AOC Information Services Division, 415-865-7414; e-mail: jane.evans@jud.ca.gov. ■

Budget Cuts

Continued from page 1

allowing employees to attend training courses, increase the amount of sick leave usage, and create difficulty in [granting] time-off requests. All of these components are eroding the

value of the courts' workforce and negatively impacting employee morale."

COURT PROGRAMS AND SERVICES SUFFER

Court leaders testified that some counties have closed facilities, reduced their hours of operation, or cut services at certain locations.

El Dorado County court visitors may wait in line for 30 minutes or more to speak with a clerk. Sacramento County litigants wait up to an hour and a half just to file documents or pay fines. At some courts it can take days for phone calls to be returned. Mail goes unopened for days at a time.

"Yuba suspended its small claims night court, Butte had to shelve plans to expand its self-help center for its Chico court, and various other self-help centers have been suspended or eliminated," added Ms. Patel.

Superior Court of Riverside County Presiding Judge Douglas P. Miller explained that the effectiveness of his county's collaborative justice courts—including drug and mental health courts—is being affected by the lack of resources. "At the end of the day, all of these programs are successful in stopping the revolving door of crime, addiction, child abuse, child neglect, and domestic violence," said Presiding Judge Miller. "With every person we reach, we touch the lives of countless others."

JUSTICE DELAYED

Larry Gobelman, Executive Officer of the Superior Court of Siskiyou County, discussed the effects of budget cuts on case-load management and information backlogs.

"All the courts in our region have experienced an increase in backlogs, service delays, and reductions in services provided to the public," said Mr. Gobelman. "Courts are pulling resources from other areas to ensure that critical items . . . and issues affecting public safety are processed timely."

Mr. Gobelman reported backlogs in courts' processing of case dispositions, arrest warrants, and data for the Department of Motor Vehicles and Department of Justice. "San Joaquin has stopped imaging civil documents, and they are faced with a two- to three-month backlog in processing civil judgments."

SHARING TESTIMONY WITH BUDGET LEADERS

In addition to seeing live presentations at the hearing, the council collected written testimony from individuals who wanted to contribute to the documentation effort. Council and judicial branch leaders will now share the gathered information with executive and legislative leaders during upcoming State Budget negotiations.

Presiding Judge Kingsbury concluded her remarks at the hearing by predicting that, "if budgets are not restored and historic funding shortfalls are not addressed in the near term, expect larger vacancy rates, increased workers' compensation claims, additional closures, trial delays, elimination of services and programs, additional negative impacts on our valuable court employees, and limited access to justice for all those we serve."

● To listen to an audiocast of the April 23 hearing, go to www.courtinfo.ca.gov/courtadmin/jc/. A complete list of speakers is available at www.courtinfo.ca.gov/courtadmin/jc/documents/witnesslist.pdf. For more information, contact Dia Poole, AOC Office of Governmental Affairs, 916-323-3121; e-mail: dia.poole@jud.ca.gov. ■

Governor's May Budget Proposal Brightens Outlook for Courts

Governor Arnold Schwarzenegger's office on May 13 officially released his proposed May Revision of the State Budget for fiscal year 2004-2005. The revised budget plan includes net increases of roughly \$99 million for the trial courts and \$4.3 million for the Supreme Court, Courts of Appeal, and Administrative Office of the Courts over the figures in the Governor's January proposal.

Chief Justice Ronald M. George said the proposed budget would help "protect the public's right to have necessary access to their courts to ensure public safety, to provide for the protection of children, to promote social stability in our communities, and to ensure a stable business environment for growth."

EXISTING COSTS

The additional funding would help pay existing costs that courts face, including negotiated salary and benefit increases, staff retirement, court security, prisoner hearing costs, and increased county charges. The funding increase contained in the Governor's proposal is the result of several months of discussions between judicial and executive branch leaders. Those discussions led to the decision by the state Department of Finance to consider documented costs provided by the courts.

PROPOSALS FOR STRUCTURAL REFORM

To achieve additional savings, the Governor's May Revision calls for policy initiatives in the areas of collective bargaining, court reporting, and jury service. Judicial leaders have agreed to carefully review the policy initiatives and to work cooperatively with the Governor, Legislature, and other interested parties to find solutions that achieve the desired savings and promote fiscal stability.

NEXT STEPS

The Legislature has been conducting hearings, likely continuing into June, on the Governor's May Revision proposal. Once both chambers of the Legislature have approved their respective versions of the budget, any differences will be taken up in Conference Committee. Once those differences are resolved and both legislative bodies have agreed on a budget plan, the final budget will be sent to the Governor for his review and signature or veto.

● To view the Governor's May Revision, go to www.dof.ca.gov/html/bud_docs/May_Revision_04_www.pdf. For more information on the judicial branch budget, visit <http://serranus.courtinfo.ca.gov/programs/finance/latest.htm> or e-mail: budgets@jud.ca.gov.

Napa Judges Cut Caseloads Using Mediating Skills

A recent focus on judicial mediation has the Superior Court of Napa County concluding more than 90 percent of its civil cases within a year.

"Resolving disputes, that's why we're here," says Presiding Judge W. Scott Snowden. "A court's place is to serve the community. We're trying to redefine what it is to be a superior court."

JUDGES USING MEDIATION TECHNIQUES

Last spring, all six of the court's judges attended a week-long mediation training at Pepperdine University School of Law's Straus Institute for Dispute Resolution. These judges are now actively mediating cases in both general civil and family law.

"Attorneys were coming into court asking for an alternative dispute resolution process," says Presiding Judge Snowden. "Many were unsatisfied with expensive private mediators whose decisions were not final. So we decided to cut through the red tape and give litigants what they wanted directly from our judges."

HOW IT WORKS

The Napa County court orders mandatory settlement conferences in all civil cases headed for trial. Any further settlement attempts are on request by the parties, are voluntary, and can be made at any point in the case.

The court's judges act as a mediation panel. Litigants interested in the court's mediation program can request mediation from the judge assigned to the case or from another judge, if he or she is available. Each judge sets aside at least one day a week to mediate cases.

"Some attorneys have tried to have their cases transferred into our jurisdiction because they knew about our mediation program," says court Executive Officer Stephen Anthony Bouch. "One party even asked for our mediation services before filing with the court. The price is nothing more than the civil case filing fee—no extra charges."

"This program has not cost our court a penny," says Presiding Judge Snowden. "It's just a matter of reprioritizing resources to save trial time down the road. Sometimes we even settle parties' companion cases."

NEW MEDIATION CENTER

In December the court opened a mediation center in its main courthouse in Napa. Family law and custody mediators use the center, and the judges are using it on Fridays, the day they all devote to mediating civil cases.

"I've settled several cases in there already," says Presiding Judge Snowden. "This is the most exciting project I've been

involved with in all my years as a judge. Ripples can be felt in the courtroom when we offer it. Litigants have been very receptive and grateful."

"The mediation program has been institutionalized in the civil arena," says Mr. Bouch. "Our next mission is to address the criminal side. But that brings a whole other set of issues and will require more time to implement."

SAN LUIS OBISPO'S PROGRAM

Napa's judicial mediation program may be one of the newest and most successful in the state, but the Napa County court was not the first to explore the use of judges as mediators.

In 1998 the Superior Court of San Luis Obispo County redesigned its civil case management system and based its new direct calendar on the model used by Marin County. "Marin featured mediation as its principal ADR [alternative dispute resolution] technique but relied upon mediators outside the court," says Judge Earl Jeffrey Burke, who served as team leader of the San Luis Obispo County court's civil department at that time. "While we liked Marin's mediation program, San Luis Obispo simply did not have a supply of experienced mediators and a bar that was familiar with the process. We decided to introduce mediation to our legal community by doing it ourselves."

MEDIATION GAINS ACCEPTANCE

Judge Burke attended the week-long mediation training program at Pepperdine's Straus Institute of Dispute Resolution and

helped bring the mediation techniques it teaches back to his court. According to Judge Burke, approximately 75 percent of the cases mediated by judges were being settled, and mediation quickly became a popular option for attorneys.

"Mediation is now firmly a part of our civil case management system and is also well accepted in the legal community," says Judge Burke. "At least four or five attorneys have given up their litigation practices to do mediations full time."

Like that in Napa County, the mediation program in San Luis Obispo County is voluntary. Parties can go to the assigned judge for mediation or can choose another judge. Either a party or the mediator/judge can elect to have the matter reassigned for adjudication if mediation is not successful.

"The numbers of trials we handle have been significantly reduced by successful mediations, both inside and outside the courthouse. We can calendar mediations by a judicial officer every day if necessary," says Judge Burke. "The process also decreased workloads for court staff and court attorneys, and dramatically reduced the time from filing to disposition."

After four years on the civil docket, Judge Burke was recently assigned to the family law team. He plans to include mediation by judicial officers as a method of resolving those cases. "Family law disputes can be particularly amenable to mediation. And our team will soon introduce a number of changes designed to produce significantly more cost-effective resolutions of these disputes. Mediation by persons on the court and outside the court will undoubtedly be an important part of this process." ■

Judges as Mediators? ABA Conference Attendees Debate the Issues

The practice of judges' serving as mediators was one of the topics featured at the American Bar Association's alternative dispute resolution mini-conference, held April 15 in New York City. Judges and other legal experts discussed the mediation process, training, and program design concerns that arise when judges serve as mediators.

Participants at the conference debated how to distinguish between mediation and settlement conferences; whether judges who want to serve as mediators should be required to meet the same training, experience, and ethics requirements as individuals on a court mediation panel; whether a judge should mediate a case in which he or she will be the trial judge; whether mediation by judges is inherently coercive; and how to promote open discussion and protect the confidentiality of mediation communications when a judge serves as a mediator.

CALIFORNIA MEDIATION LAW

California statutory law specifically prohibits a mediator from submitting to a court any report, assessment, evaluation, recommendation, or finding of any kind concerning the mediation without the parties' agreement.

The purpose of this law is to prevent mediators from influencing the results of their mediations by reporting or threatening to report to the decision maker (the judge) on the merits of the

dispute or the reasons that a resolution has not been reached in mediation. The Law Revision Commission originally proposed this provision, noting that "a mediator should not have authority to resolve or decide the mediated dispute, and should not have any function for the adjudicating tribunal with regard to the dispute, except as a non-decision-making neutral."

California courts thus face the challenge of integrating these concepts into programs in which judges serve as mediators. Resources that explore the issue include:

- ◆ Louise Phipps Senft and Cynthia Savage, "ADR in the Courts: Progress, Problems, and Possibilities" (2003) 108 *Penn State Law Review* 327;
- ◆ James Alfini, "Risk of Coercion Too Great; Judges Should Not Mediate Cases Assigned to Them for Trial" (Fall 1999) *Dispute Resolution Magazine* 11;
- ◆ Frank Sander, "A Friendly Amendment" (Fall 1999) *Dispute Resolution Magazine* 11; and
- ◆ Harold Baer, Jr., "History, Process, and a Role for Judges in Mediating Their Own Cases" (2001) 58 *New York University Annual Survey of American Law* 131.

● For more information, contact Heather Anderson, AOC Office of the General Counsel, 415-865-7691; e-mail: heather.anderson@jud.ca.gov.

Mediation: A Skills-Based Program

Part of the Continuing Judicial Studies Program, Summer Session—August 2–6, San Diego

This practical course teaches judicial officers how to mediate litigated disputes and apply the technique to cases pending in their courts.

The faculty is made up of nationally recognized scholars, professional neutrals, and judges—Judge Earl Jeffrey Burke of the Superior Court of San Luis Obispo County and Judge Anthony J. Mohr of the Superior Court of Los Angeles County—who have successfully applied mediation techniques to pending cases.

Participants will have the opportunity to interact with the faculty and other students through practical skill-building exercises on topics such as:

- Facilitating communication;
- Breaking through an impasse;
- Managing emotions;
- Handling attorneys;
- Maintaining fairness and neutrality; and
- Conflicts and ethical issues.

● For more information or to register, visit the AOC Education Division/Center for Judicial Education and Research Web site at www.courtinfo.ca.gov/cjer/ or contact Karene Alvarado, 415-865-7761; e-mail: karene.alvarado@jud.ca.gov.

AOC Profile: Appellate and Trial Court Judicial Services

What Do Assigned Judges Have in Common With Vexatious Litigants?

PAULA BOCCIARDI

Through the Assigned Judges Program, Chief Justice Ronald M. George each month responds to approximately 400 requests for judges to sit on assignment in the appellate and trial courts in order to cover vacancies, illnesses, disqualifications, workload issues, and calendar congestion. In fiscal year 2002–2003 judges in the program provided 28,957 days of service to the courts.

The Assigned Judges Program is one of many programs administered by the Appellate and Trial Court Judicial Services Division (ATCJS) at the Administrative Office of the Courts (AOC). This division provides oversight and management of programs that serve both the trial and appellate courts under the direction of the Chief Justice.

"I manage a division with very diverse stakeholders," comments ATCJS Director Marcia M. Taylor. "The work we do directly affects the appellate courts, the trial courts, the criminal defense bar, many of California's retired judges, and ultimately California's citizens. Our staff works hard to ensure that the courts have the resources they need to function efficiently."

MORE ON THE ASSIGNED JUDGES PROGRAM

Over the last several years—under the stewardship of AOC Supervising Analyst D. Brad Campbell—the Assigned Judges Program has experienced marked change. Currently there are 262 retired judges in the program—down from a high of 400 since the Chief Justice's introduction of a requirement (effective January 1, 2003) that judges may not participate in privately compensated dispute resolution during their tenure in the program. Although the program lost 25 percent of its judges to private judging, those judges provided only 10 percent of the days of service in 2002.

In March, a new assigned judges advisory committee convened to develop recommendations for the Chief Justice and Administrative Director of the Courts on a range of issues related to enhancing the effectiveness of the program. These issues include assignment procedures, recruitment, benefits, incentives, education, and performance evaluation. The committee, chaired by retired Napa County Judge Phil Champlin, comprises 10 retired assigned judges from throughout the state.

ATCJS is collaborating with the AOC Education Division/Center for Judicial Education and Research to expand the educational standards and opportu-

nities for retired assigned judges to mirror the professional standards of the active bench. In addition, a recent restructuring within the program has defined assignment regions to correspond with the three AOC regional offices. This will enable ATCJS to work more closely with the regional directors to effectively address the needs of local courts.

"The bottom line is that the Assigned Judges Program helps courts continue to function," says Sharon Morris, Assistant Executive Officer of the Superior Court of San Joaquin County. "And the staff really goes the extra mile to help individual courts with their specific needs."

BRINGING CIVIL CASES TOGETHER

ATCJS administers the coordination of civil cases in the trial courts, a process that combines complex civil actions pending in more than one court that have similar issues of law and fact. Recent high-profile petitions for coordination include the Marriage Cases (regarding same-sex marriages) and the Clergy Cases (regarding allegations of sexual abuse by clergy and/or others associated with the defendant petitioners).

HANDLING VEXATIOUS LITIGANTS

Since 1991 the AOC has maintained a record of the state's vexatious litigants—people who must obtain court permission to file legal actions as a result of their repeated and/or frivolous pursuit of litigation without an attorney. ATCJS distributes the list of vexatious litigants monthly by e-mail to trial and appellate court executives, the Commission on Judicial Performance (CJP), and other interested parties. The list continues to be posted monthly on the Serranus Web site at <http://serranus.courtinfo.ca.gov/reference/vexatious.htm>.

ADDITIONAL TRIAL COURT SERVICES

ATCJS staff assists trial courts in administering many other functions, including:

- ◆ *Change of venue*, which allows a judge to move a case to another county when the defendant cannot receive a fair trial in the originating county;

- ◆ *Superior court appellate divisions*, which have jurisdiction over appeals in limited civil cases and in misdemeanors and infractions;

- ◆ *Reciprocal assignments*, which permit active judges to serve in a court in a neighboring county to address caseload management issues; and

- ◆ *Special masters*, judges and justices who act as hearing officers for proceedings before the CJP.

APPELLATE SERVICES: COURT-APPOINTED COUNSEL

ATCJS Supervising Analyst Deborah Collier-Tucker oversees the state's Court-Appointed Counsel Program, which fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal in noncapital cases. ATCJS works with nonprofit "projects" that recommend to the Courts of Appeal the appointment of private attorneys from a preapproved panel.

In conjunction with this \$69 million program, ATCJS staffs the Judicial Council's Appellate Indigent Defense Oversight Advisory Committee, which provides the administrative presiding justices with policy recommendations related to the Court-Appointed Counsel Program and audits court-appointed counsel claims.

"We're concentrating on attracting and retaining defense attorneys to the panel, which stands at about 850," says staff Analyst Nicole Bellamy, who works on the Court-Appointed Counsel Program. "We expect to lose a large number of those who handle the most complex cases as many of the most experienced attorneys approach retirement. Because insufficient numbers of new attorneys are joining the panel, we could potentially be faced with a severe shortage of competent counsel."

ATCJS is working to help secure adequate compensation for panel attorneys, who receive hourly fees of \$65, \$75, or \$85 (depending on case type). Last year, staff also collaborated with the AOC Finance Division and the State Controller's Office to help ensure that, during the budget impasse, panel attorneys were paid for work performed before July 1. Through these efforts, payments continued until the budget was signed in August.

"We process about \$120,000 in attorney claims per day," says analyst Donna Drummond, who also staffs the Court-Appointed Counsel Program. "And approximately 20 percent of the caseload involves juvenile dependency cases."

HELPING APPELLATE COURTS RUN MORE SMOOTHLY

ATCJS acts as a liaison to appellate staff to identify and resolve administrative, budget, and training issues. Most recently, ATCJS collaborated with the AOC Education Division in



Seated, left to right: Deborah Collier-Tucker, Nicole Bellamy, Carlotta Tillman, Paula Bocciardi, Joseph Johnson. Standing, left to right: Marcia M. Taylor, Donna Drummond, Janet Colla, D. Brad Campbell, Luz Macanan, Mary Ziemianek, Kirsten Starsiak, Tina Lu, Cynthia Go.

overseeing an extensive revision of the *Judicial Attorney Manual* (see story on page 13). ATCJS staff is currently addressing appellate staff training needs, emphasizing standard cross-court procedures and processes that will assist court employees at all levels.

ATCJS also staffs the Judicial Council's Administrative Presiding Justices Advisory Committee, which is chaired by the Chief Justice and comprises the six administrative presiding justices of the Courts of Appeal. The committee examines administrative, budget, and policy issues common to the operations of the Courts of Appeal. In light of the budget reductions that are affecting all state courts, the committee is identifying best practices in the appellate courts.

● For more information on the AOC Appellate and Trial Court Judicial Services Division, contact Marcia M. Taylor, 415-865-4255; e-mail: marcia.taylor@jud.ca.gov. ■

Leading the Way

Marcia M. Taylor, head of Appellate and Trial Court Judicial Services (ATCJS) since April 1999, was named division director in 2003 when ATCJS became an official division of the Administrative Office of the Courts (AOC). Before her work with ATCJS, she was a supervising attorney with the AOC Education Division and served as both an attorney and a managing attorney in the AOC Office of the General Counsel. Prior to joining the AOC, Ms. Taylor worked in private practice handling civil, family, and probate cases and criminal appeals for indigent defendants.



Marcia M. Taylor

Q&A

Education Vital to the Bench

Conversation With Judge Michael T. Garcia



Judge Michael T. Garcia
Superior Court
of Sacramento
County

Judge Michael T. Garcia has always been interested in teaching and enjoys the intellectual exchange with students that it affords. In fact, he thought his career path would lead him to become a university professor.

Instead, that path led him to an appointment to the Sacramento bench in 1987. But, as he puts it, judging is a great career for those inclined to intellectual pursuits because, "regardless of what case you preside over, you are constantly confronting unique issues and learning something new."

Throughout his career as a lawyer and a judicial officer, Judge Garcia has been very involved in judicial education, and he believes it improves the branch as a whole. He is dean of the B. E. Witkin Judicial College and chairs the New Judge Education Committee of the Center for Judicial Education and Research (CJER). He also has served as chair of CJER's Continuing Judicial Studies Program Planning Committee. He has taught courses for numerous events sponsored by CJER, the California Judges Association, and the Einstein Institute for Science, Health and the Courts.

Chief Justice Ronald M. George in August 2003 appointed Judge Garcia to a three-year term on the Judicial Council. Court News spoke with him about the state of and need for judicial education in California.

Why is it important for judges to be involved in judicial education?

Whether one is taking a course or preparing to be on a faculty, educational events raise the subject matter competence of the individuals involved with them. Education helps to hone the skills judges need to address questions that arise on a daily basis in their courtrooms.

The ultimate benefactor of judicial education is the public.

You are current dean of the B. E. Witkin Judicial College. What is this program, and how does it benefit judges and the branch?

The B. E. Witkin Judicial College is a two-week event mandated by the California Rules of Court for newly appointed judges. These judges must also go through a separate one-week New Judge Orientation. The college was created by judges for judges in California and serves as a model nationally as well as internationally.

In its most recent operational plan, the Judicial Council identified the need to develop a more systematic approach to education to enhance effectiveness, efficiency, and consistency throughout the judicial branch.

The college strives to introduce judges to their new role and the skills they will need to fulfill it effectively. It is difficult to teach in two weeks all the skills judges will need. But we highlight areas of particular concern—such as trial management and judicial demeanor on the bench—and provide students with resources to get their questions answered. Further, multiple courses are provided to improve subject matter competence.

You are also chair of CJER's New Judge Education Committee. How does this committee work, and what areas are you focusing on?

The New Judge Education Committee is charged with multiple responsibilities, including the B. E. Witkin Judicial College and New Judge Orientation programs. The committee—made up of judges from around the state—works to ensure that the curricula for these events reflect and provide for the needs of new judges.

Together with the AOC Education Division/CJER, the committee has focused on creating a curriculum design for the

basic core material they need, and the college serves as the beginning of their broad-based education.

The committee is also redesigning the curriculum for New Judge Orientation. In the past the orientation has been presented in two parts: (1) what it means to be a judge, responsibilities to the public, and the application of ethics; and (2) how to manage your courtroom in regard to issues such as trial management and dealing with individual cases, attorneys, or

self-represented litigants. The redesign will make these two parts more integrated and reflective of one another.

How has judicial education changed since you joined the bench in 1987?

We are now looking at the big picture more than in the past. In its most recent operational plan, the Judicial Council identified the need to develop a more systematic approach to education to enhance effectiveness, efficiency, and consistency throughout the judicial branch.

We are trying to bring individual training into a coordinated system for all judicial officers. This includes judges, commissioners, and referees.

In this way, judicial officers could build upon existing knowledge and skills. We could also provide an educational system that is flexible enough to meet the needs of new judicial officers, those changing assignments, or ones that want to become masters in their particular field.

Did your term as presiding judge give you a new perspective on judicial education?

As presiding judge I was also a member of the council's Trial Court Presiding Judges Advisory Committee. Because I was able to network and meet with other presiding judges, I gained knowledge of the differing educational needs of courts throughout the state.

There are two broad categories of new judicial officers: (1) those from small courts, who need to be competent in many areas in a short time because they must handle all types of matters that come before the

court, and (2) those from larger courts, who may stay in one assignment for a longer time. Through our curriculum development efforts, the judicial branch is developing educational opportunities specific to each group.

How do California's judicial education programs compare with those in other states?

California is unusual in having such an extensive judicial education program. We also are

unique because our programs were originally started and designed by judges, for judges.

Many states are just beginning to create their own judicial education programs. Others send their judicial officers to the National Judicial College, which takes place in Reno. In addition, some state judicial officers receive training at courses designed by law school professors or universities.

How do you see judicial education changing in the future?

First, we have developed some wonderful educational programs such as the Judicial College, the Continuing Judicial Studies Program, and a variety of institutes. But I would like to see all of our course materials from these events made available online so that all judicial officers can at least have the opportunity to review the materials even if they cannot directly participate in the training.

Second, it would be great to have an online list of judicial officers with subject matter expertise in a certain area of the law. These "expert" judges could provide input and direction on a particular case in which another judge is having a problem.

Third, I would like to see the branch broaden its ability to prepare judicial officers for specific assignments and provide an educational plan for individuals seeking a specific career path on the bench. This plan could incorporate CJER programs as well as courses taught by outside educational institutions. ■

Keeping our judiciary up to date on the latest developments in the profession has a core effect of building public confidence in the branch.

The focus of the branch is to resolve disputes that come before it. Education assists judges in adjudicating cases in a fair and impartial manner.

Keeping our judiciary up to date on the latest developments in the profession has a core effect of building public confidence in the branch.

judicial college. Faculty members can then develop individual lesson plans from these broader curriculum designs.

This process allows us to present a more stable educational experience, rather than faculty totally recreating new courses each time we present the college. In this way, we can ensure that new judges receive the

“Striking” Crimes for Prop. 36 Eligibility

On November 15, 2002, Timothy Orabuena visited a friend. He later drove to the store to buy some cigarettes. When he returned, he found drug enforcement agents executing a search warrant on the friend’s residence. The agents searched Orabuena, found a small quantity of methamphetamine in his pocket, found him to be under the influence of a controlled substance, and determined that he had been driving on a suspended license.

The defendant ultimately admitted all three charges and was granted probation on the condition that he serve 180 days in jail. He appealed on two grounds: the driving violation should not have excluded him from Proposition 36, and the trial court erred when it concluded it had no discretion to dismiss the driving violation under Penal Code section 1385.

Proposition 36 provides that “any person convicted of a nonviolent drug possession offense shall receive probation” with required participation in a drug treatment program. (Pen. Code, § 1210.1(a).) Excluded from the act is the defendant “who, in addition to one or more nonviolent drug possession offenses, has been convicted in the same proceeding of a misdemeanor not related to the use of drugs or any felony.” (*Id.*, § 1210.1(b)(2).) A “misdemeanor not related to the use of drugs” is defined as “a misdemeanor that does not involve (1) the simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or (2) any activity similar to those listed in paragraph (1).” (*Id.*, § 1210(d).)

DECISION IN ORABUENA

The Court of Appeal in *People v. Orabuena* (2004) 116 Cal.App. 4th 84 found that Orabuena’s

driving violation did not meet the statutory definition of a non-violent drug possession offense and, applying the plain meaning of section 1210.1(b)(2), determined that the defendant was excluded from the protections of Proposition 36.¹

The court, however, agreed that the trial court should have considered the defendant’s request to dismiss the driving charge to make the defendant eligible for treatment under Proposition 36. At first blush it might seem that *Orabuena*’s conclusion conflicts with the Supreme Court’s decision in *In re Varnell* (2003) 30 Cal.4th 1132, which held that a trial court does not have the discretion under Penal Code section 1385 to dismiss a prior strike in order to qualify a defendant for Proposition 36 treatment.

Orabuena observed, however, that *Varnell* was readily distinguishable. Application of section 1385 has always presupposed the existence of charges or allegations in a criminal pleading to be dismissed. *Varnell* concluded that the existence of prior strikes in a defendant’s record, at least for the purposes of Proposition 36, need not be pled and proved. (*Varnell, supra*, 30 Cal.4th at p. 1143.) Rather, strikes are “sentencing factors” which, among other things, can be either a mitigating or an aggravating factor that can support a particular sentence within a particular range of sentencing options. (*Varnell, supra*, 30 Cal.4th at p. 1135, fn. 3.) “[T]rial courts may not use section 1385 to disregard ‘sentencing factors’ that are not themselves required to be a charge or allegation in an indictment or information.” (*Id.* at p. 1135.)

Unlike the *uncharged* strike that disqualified the defendant in *Varnell* under section 1210.1(b)(1), the defendant in

Orabuena was disqualified because of a *charged* non-drug-related crime under section 1210.1(b)(2). Accordingly, the rule articulated in *Varnell* has no application to the circumstances in *Orabuena*. Since there is nothing in section 1385 or in Proposition 36 that restricts the court’s authority to dismiss the allegation of the traffic violation, the court should have exercised its discretion by at least considering the defendant’s request to dismiss the driving charge.

Finally, *Orabuena* concluded that permitting trial courts to dismiss felony or misdemeanor charges not related to the use of drugs is consistent with the goal of Proposition 36, which is to divert drug offenders into treatment rather than jail or prison. The power to dismiss non-drug-related offenses under section 1385, however, is not absolute. As with the authority to dismiss prior strikes, the court’s discretion is limited by the standards set by *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 and its progeny.

TIMING OF MOTIONS

Orabuena casts new light on the question of the timing of the motion under section 1385. In November 2002 the defendant entered a no contest plea to the driving charge. In December 2002 the trial court suspended imposition of sentence on the driving charge and placed the defendant on probation on the condition that he serve 30 days in jail. Thereafter, in February 2003 the defendant entered his plea to the drug charges. In March 2003 the court suspended imposition of sentence on the drug charges and placed the defendant on probation on the condition that he serve 180 days in jail. The Attorney General argued that, since the defendant had already been sentenced on

the driving charge, the court had no jurisdiction in March to dismiss the driving charge.

Orabuena acknowledged that the court no longer has jurisdiction under section 1385 to dismiss a pleading once the defendant has been sentenced. (*People v. Barraza* (1994) 30 Cal.App.4th 114, 121, fn. 8.) The court determined, however, that by suspending imposition of sentence, the trial court had not sentenced the defendant for the purposes of jurisdiction under section 1385. The Court of Appeal relied on *People v. Superior Court (Giron)* (1974) 11 Cal.3d 793, 796: “Although . . . an order granting probation is ‘deemed to be a final judgment’ for the limited purpose of taking an appeal therefrom, . . . it does not have the effect of a judgment for other purposes. [Citations omitted.] As expressly provided in such an order, the criminal proceedings have been ‘suspended’ prior to the imposition of judgment and pending further order of the court.” Accordingly, the trial court had the authority to dismiss the driving violation.

Orabuena is significant for strike offenders who initially qualify for Proposition 36 treatment but who subsequently fail and are terminated from the program. The logic of the decision confirms that the sentencing court retains discretion to dismiss the strike, notwithstanding that the defendant previously has been “sentenced” to a term of probation following the initial conviction of the drug offense. Because section 1210.1(a) requires the court to suspend imposition of sentence in granting probation under Proposition 36, the court always will have one final opportunity to determine whether the defendant should be given a strike sentence or some other form of sanction. ■



Judge J. Richard Couzens

Judge Couzens is a former member of the Judicial Council and past chair of its Criminal Law Advisory Committee.



¹The defendant’s circumstances are not unusual. Indeed, it is nearly a maxim of jurisprudence that drug offenders stopped for traffic violations are driving on suspended licenses.

Collaborative Justice Update Spreading the Word on Drug, DUI Courts

Following is an update on some of the activities and programs that are enhancing and expanding collaborative justice courts.

Presentation at NADCP Annual Conference

Staff from the Administrative Office of the Courts (AOC) Collaborative Justice Program group presented the results of a recent collaborative justice study at the annual meeting of the National Association of Drug Court Professionals (NADCP) on June 2–5 in Milwaukee.

The study, reported in *Going-to-Scale Project: Opportunities and Barriers to the Practice of Collaborative Justice in Conventional Courts*, was conducted by the California and New York state court systems. It explored the extent to which key principles and practices fostered by collaborative justice courts may be applied throughout the legal system. (See story in March–April 2004 *Court News*.)

The goal of the joint study was to analyze three principal questions:

1. Which collaborative justice principles and practices are easiest to transfer to conventional courts?
2. What barriers might judges face when attempting to apply these principles and practices in conventional courts?
3. How might collaborative justice be disseminated among judges and judicial leaders throughout the court system?

At the NADCP annual meeting, drug court professionals from across the nation will also hear keynote addresses by Tommy Thompson, U.S. Secretary of Health and Human Services, and John Walters, Office of National Drug Control Policy. Participants will have an opportunity to discuss promising practices, debate challenging issues, and share information.

● For more information on the study, contact Francine Byrne, AOC Office of Court Research, 415-865-7658; e-mail: francine.byrne@jud.ca.gov. For more information on the conference, visit NADCP’s Web site at www.nadcp.org/events/.

Youth DUI–Drug Court Project

As part of its California Traffic and Safety Program, the Office of Traffic and Safety (OTS) approved a \$500,000 collaborative justice project that will focus on young adults ages 18–24. The AOC will distribute the grant funds to local courts for planning, implementation, and evaluation of juvenile DUI drug courts and peer/youth DUI and traffic safety programs.

The project’s goals are to utilize local courts to educate at-risk juveniles about the dangers of drinking and driving. With the help of the Judicial Council’s Collaborative Justice Courts Advisory Committee and the AOC, a statewide workgroup will develop a model benchguide and training video to assist courts in implementing the project. The materials will be shared with the law enforcement community, treatment providers, and community-based organizations.

Applications and dates for this grant opportunity are expected to be available in November.

● For more information on the OTS project, contact Marlene Smith, AOC Collaborative Justice Program group, 415-865-7617; e-mail: marlene.smith@jud.ca.gov. For more information about grant opportunities, visit the Serranus Web site at <http://serranus.courtinfo.ca.gov/programs/grants/>.

Parents’ Access to Visitation Report

BLAINE CORREN

The federal Child Access and Visitation Grant Program supports services that teach positive parenting and increase noncustodial parents’ involvement in their children’s lives. But the program’s resources have not been adequate to meet the high demand for such services, according to a report recently released by the Judicial Council.

HOW THE PROGRAM WORKS

The council’s report to the state Legislature, *California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents, Fiscal Years 2002–2003 and 2003–2004*, fulfills part of its charge from the Legislature to administer and distribute federal Child Access and Visitation Grant Program funds from the U.S. Department of Health and Human Services, Administration

for Children and Families, Office of Child Support. The grants support programs that increase noncustodial parents’ access to and visitation with their children and that help families improve their parent-child relationships to preserve family contact.

Funding in California is limited to three types of programs:

- ◆ Supervised visitation and exchange services;
- ◆ Education about protecting children during family disruption; and
- ◆ Group counseling services for parents and children.

“This program is a blessing for litigants and their children,” said a family law commissioner in a letter of support for the program. “It allows parents to have access to their children without hardship.”

“I have referred many families to the grant program, and I have been very impressed with the positive results it has had for parents and children alike,”

commented a family law attorney in a similar letter. “It is my sincere wish that the program continue and, if possible, expand to meet the growing need for services.”

FUNDING CHALLENGES

For fiscal year 2003–2004, the council received 22 grant proposals requesting a total of \$1,259,025; that amount exceeds available funds by \$479,025. The report identifies specific challenges that result from this funding shortfall:

- ◆ Courts are struggling to provide supervised visitation services for a growing number of cases involving domestic violence;
- ◆ Lack of capacity to serve multilingual communities (nearly 26 percent of California’s population is recent immigrants);
- ◆ Difficulty providing geographically accessible services (22 California counties do not provide supervised visitation

programs); and

- ◆ The skepticism of some judges and families, resulting from an inability to fund certain programs year round.

NEXT STEPS

The report discusses three proposed strategies for enhancing the efficiency and effectiveness of the grant program. The report calls on the Administrative Office of the Courts (AOC) to conduct a statewide needs assessment; evaluate, through the new state data collection and reporting system, whether the grant program increases noncustodial parents’ time with their children; and identify and evaluate effective practices and measure the possibility of replicating them statewide.

● To view the entire report, visit www.courtinfo.ca.gov/programs/cfcc/resources/grants/a2vlegRt04.htm. For more information, contact Shelly Glapion, AOC Center for Families, Children & the Courts, 415-865-7565; e-mail: shelley.glapion@jud.ca.gov. ■

Courts Prepare for New Domestic Partners Law

Legislation signed last fall gives domestic partners who have registered under California law most of the rights and responsibilities of spouses. As a result, the same legal procedures and substantive rules will apply to both groups, meaning that the courts must update numerous rules and forms that make gender-specific references or that currently limit their application to “spouses” or “marriages.”

LEGISLATION EXPANDS DOMESTIC PARTNERSHIPS

On September 19, 2003, Governor Gray Davis signed the California Domestic Partner Rights and Responsibilities Act (Assem. Bill 205 [Goldberg]). Effective January 1, 2005, the legislation will greatly expand the rights and duties of registered domestic partners. Dramatic changes will be necessary in rules governing civil rights, crimes, employment, evidence, probate, property, torts, and many other areas of the law.

Under the California law currently in effect, the rights of registered domestic partners are more limited. They include rights similar to those afforded legal spouses with regard to hospital visitation, medical decision making, conservatorship proceedings, the ability to sue for wrongful death or intentional infliction of emotional distress, stepparent adoption, automatic appointment as administrator of a partner’s estate, and partial intestate inheritance.

Assembly Bill 205 provides that, with a few express exceptions (such as joint filing of income taxes), “[r]egistered domestic partners shall have the same rights, protections, and benefits, and shall be subject to

the same responsibilities, obligations, and duties under the law . . . as are granted to and imposed upon spouses.” (Fam. Code, new § 297.5(a).) This change affects hundreds of provisions of California law, including:

- ◆ The ability to file for dissolution of a relationship in family court under the same procedures and rules as apply to marriages;
- ◆ Joint obligation for community debts, but homestead protections and protection against assignment of a partner’s wages after a partner’s death;
- ◆ Presumptions of parenthood regarding children born during the partnership or through alternative insemination, and judicial determination of custody and support of children born during the partnership; and
- ◆ Application of the confidential spousal communications privilege and the privilege not to testify or to be called as a witness against a spouse.

NEXT STEPS

The Legislature delayed the implementation of the law to give registered domestic partners time to modify their current legal relationship status if desired. The delay also allows government officials and courts time to learn about the changes and to begin modifying rules, regulations, and forms in order to comply.

Since the legislation affects so many of areas of the law, several of the Judicial Council’s advisory committees will develop new forms for approval by the council. These include the Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, and Probate and Mental Health Advisory Committee.

The Administrative Office of the Courts (AOC) will update judges, court staff, and court practitioners on the changes to the law via AOC-TV satellite broadcasts, the Continuing Judicial Studies Program, the Court Clerk Training Institute, the State Bar Annual Conference,

and other educational programs.

● For more information, contact Donna Clay-Conti, AOC Office of the General Counsel, 415-865-7911; e-mail: donna.clay-conti@jud.ca.gov, or review the legislation at www.leginfo.ca.gov/. ■

For the Record

JUDICIAL ELECTION RESULTS

Following is a tabulation by county of the results of the March 2 judicial elections around the state. In all, 25 positions were in contention. Ten judges retained their seats, 7 new judges were elected, and 8 races require runoff elections, to be held in November.

County	Winner or Runoff Candidates
Alpine	Richard Specchio
Contra Costa	John Hideki Sugiyama (I)
Los Angeles	Richard W. Van Dusen (I) Chesley McKay, Jr. (I) Dan Thomas Oki (I) David S. Wesley (I) Patrick Campbell vs. Mildred Escobedo Gus Gomez vs. Lori Jones Donna Groman vs. Judith Meyer John Gutierrez vs. Laura Priver David Lopez vs. Daniel Zeidler
Marin	Michael B. Dufficy (I) Paul Haakenson vs. Faye D’Opal
Placer	Colleen Nichols Jeffrey Penney
Riverside	Sarah Adams Christian
Sacramento	Pamela Smith-Steward (I)
San Bernardino	David A. Williams (I)
San Diego	Robert Crawford Coates (I) Kevin A. Enright (I) Joseph Brannigan vs. Dave Hendren
Santa Barbara	James F. Rigali
Santa Clara	Teresa Guerrero-Daley Griffin Bonini vs. Enrique Colin
Yuba	Debra Givens

(I) = Incumbent

Source: California Judges Association

Education & Development

Judicial College Prepares Bench Officers

For 38 years the annual B. E. Witkin Judicial College of California has helped educate the state's judiciary. Named in honor of the late Bernard E. Witkin, a revered expert on California law, the college is a two-week session held every June. Chief Justice Ronald M. George will officially open this year's college at a luncheon ceremony on Monday, June 14, at the Holiday Inn Golden Gateway in San Francisco.

Rule 970 of the California Rules of Court requires that new judges, commissioners, and referees attend the judicial college within two years of taking their oath of office. The mandatory courses cover trials; evidence; courts and community; judicial ethics; the court as employer; the Americans With Disabilities Act; fees, fines and forfeitures; alcohol and other drugs; jurisprudence; spoken-language interpreters; and domestic violence awareness.

Electives include classes on civil and criminal discovery, civil settlement techniques, drug treatment courts, misdemeanor and felony sentencing, three strikes, juvenile law, family law, and many other topics. Instructional methods include problem-solving exercises, panel discussions, small-group seminars, and case studies. The college is an opportunity for bench officers from across the state to learn how courts operate in different counties.

The New Judge Education Committee of the Center for Judicial Education and Research (CJER) is responsible for the judicial college, under the leadership of chair Michael T. Garcia, Judge of the Superior Court of Sacramento County, and vice-chair Lynn Duryee, Judge of the Superior Court of Marin County. Judge Garcia will serve as dean of this year's college. More than 60 judicial officers, selected for their abilities as teachers, legal practitioners, and writers, will serve as faculty and lead the seminars.

● For more information on the B. E. Witkin Judicial College of California and the complete list of the college's offerings, visit www.courtinfo.ca.gov/cjer/college_2004/index.htm or contact Deirdre Benedict, AOC Education Division/CJER, 415-865-7641; e-mail: deirdre.benedict@jud.ca.gov.

Court Clerk Training

The Court Clerk Training Institute (CCTI) will be held August 16-27 at the Sheraton Gateway LAX Hotel in Los Angeles. This year's institute will consist of two consecutive five-day sessions that begin on Monday and end on Friday.

CCTI offers formal classroom instruction with an emphasis on cross-training. Classes are designed for clerks who work in the courtroom as well as those who receive documents at the counters for filing.

All faculty members have experience working in trial courts. They will present classes on courtroom and office procedures for civil, criminal, family law, and traffic matters. Written materials for the classes include procedural information, flowcharts, checklists, code references, samples of forms, minute orders, judgments, and verdicts.

● For applications and further information on the institute, visit www.courtinfo.ca.gov/cjer/ or contact Maggie Cimino, AOC Education Division/CJER, 415-865-7801; e-mail: maggie.cimino@jud.ca.gov.

Regional Training for Court Staff

The Education Division/Center for Judicial Education and Research (CJER) of the Administrative Office of the Courts (AOC) is now offering one-day regional trainings for court staff on office or courtroom procedures in the civil, criminal, juvenile, traffic, and appeals arenas. The courses being offered include:

- ◆ Civil Courtroom Procedures;
- ◆ Courtroom Felony Sentencing Procedures;
- ◆ Felony Criminal Office Procedures: State Prison Abstracts;
- ◆ Introduction to Courtroom Clerking;
- ◆ Introduction to Juvenile Court;
- ◆ Criminal Appeals Processing;
- ◆ Civil Appeals Processing; and
- ◆ Traffic Courtroom and Office Procedures.

● For complete course descriptions and registration information, go to www.courtinfo.ca.gov/cjer/ccti_2004/index.htm. For further information, contact Claudia Fernandes, AOC Education Division/CJER, 415-865-7799; e-mail: claudia.fernandes@jud.ca.gov. ■

Resources

Updated Manual for Judicial Attorneys

The Administrative Office of the Courts (AOC) in March released the 2004 edition of the *Judicial Attorney Manual*, a comprehensive reference for both new and experienced attorneys who work in the appellate courts.

The manual—first published in 1986 and revised in 1987—has been updated to reflect current appellate practices and procedures, including the significant changes in legal research brought about by advances in electronic information technology. The manual covers the appellate process, the role of the judicial attorney, the style and format of opinions, motions, petitions for extraordinary writ relief and requests for stays on appeal, juvenile dependency, standards of appellate review, legal research, and professional conduct.

The new edition was authored by a working group composed of accomplished appellate attorneys from all of the appellate court districts in the state. According to the AOC, the manual is receiving “overwhelmingly positive reviews.”

● To view the manual, visit the Serranus Web site at <http://serranus.courtinfo.ca.gov/education/jbradio/appjudatty.htm>. To order print copies of the manual, contact the AOC Appellate and Trial Court Services Division, 415-865-7629.

Free Technical Assistance for Courts

American University is offering free and low-cost technical assistance to state courts in the areas of criminal law, drug courts, and court security and disaster preparedness.

HELP ON CRIMINAL CASELOADS

The U.S. Department of Justice's Bureau of Justice Assistance (BJA) has reestablished the Criminal Courts Technical Assistance

Project at American University. The project furnishes free on-site consulting and training in criminal case operations. Senior practitioner-consultants, drawn primarily from state courts and justice system agencies, provide these on-site services.

In addition to on-site help, the project offers networking assistance, publications, and telephone consultation. The subject areas include criminal case management, coordinating with other criminal justice agencies, problem-solving courts, court facilities, jail overcrowding, indigent defense services, handling juveniles in adult court, and community relations.

DRUG COURTS

The university coordinates the BJA's Drug Court Clearinghouse Project, which provides courts with information and resources related to administering drug courts. Services include telephone consultation, responding to e-mail queries, and hosting conference calls to discuss issues among peers. A project Web site contains collections of drug court materials and information on emerging issues.

COURT SECURITY AND DISASTER PREPAREDNESS

In addition to working with BJA, American University received sponsorship from the State Justice Institute to conduct the Court Security and Disaster Preparedness Technical Assistance Project. The university will work with other national institutes on developing special curricula for on-site and remote training (distance learning) on court security and disaster preparedness for judges and court administrators. In conjunction with this project, the university will give limited on-site technical assistance to rural and suburban courts.

● For more information, contact Joseph Trotter, Jr., or Caroline S. Cooper, American University, School of Public Affairs, 202-885-2875; e-mail: justice@american.edu, or visit www.american.edu/justice/.

Continued on page 14

Summer Education Week August 2-6, San Diego

Summer Education Week features the Continuing Judicial Studies Program (CJSP), the Criminal Law Institute, and the Civil Law Institute. CJSP courses will cover mediation; judicial reasoning; death penalty trials; California Environmental Quality Act issues; sexual assault; immigration and cultural issues in domestic violence cases; and other areas of civil, family, juvenile, and criminal law.

● For more information, visit www.courtinfo.ca.gov/cjer/ or contact the AOC Education Division/Center for Judicial Education and Research, 415-865-7745; e-mail: cjerregistrations@jud.ca.gov.

CORRECTION

The Milestones section of the March-April *Court News* reported that Justice Laurence D. Rubin of the Court of Appeal, Second Appellate District, was appointed to the Supreme Court's Advisory Committee on Judicial Ethics, replacing retiring Justice Richard David Fybel, Court of Appeal, Fourth Appellate District. Justice Rubin was appointed following the retirement of Administrative Presiding Justice Charles S. Vogel (Second Appellate District), while Justice Fybel was appointed chair of the committee and remains an active justice.

Resources

Continued from page 13

NCSC Reports Examine Court Caseloads

More than 96 million cases were filed in state trial courts in 2002—the most since 1989. The frequency of civil and felony trials decreased during the 10 years preceding 2003. Total appellate court filings increased by 9 percent during those 10 years (1993 through 2002).

These and other statistics can be found in two new reports from the National Center for State Courts (NCSC). The first, *Examining the Work of State Courts, 2003*, is NCSC's annual compilation and analysis of caseload data collected in the nation's state trial and appellate courts. It presents data that en-

able states to consider their performance, identify emerging trends, and measure the possible impacts of legislation. This edition features a new section, "State Profiles," where comparable baseline data for all 50 states, the District of Columbia, and Puerto Rico are displayed in a clear and easy-to-understand graphical format.

An additional volume, *State Court Caseload Statistics, 2003*, is a basic reference containing detailed caseload data from each state court system on the organization of the courts, total filings and dispositions, numbers of judges, factors affecting comparability with other states, and other jurisdictional and structural issues.

● To view the reports, visit www.ncsconline.org/ and click on Court Statistics under Quick Links. To order print copies, contact Brenda Otto, 757-259-1596; e-mail: botto@ncsc.dni.us. ■

Court Briefs

Yolo Court Educating Juveniles

A nearly one-year-old collaborative program in Yolo County is providing tutoring services for minors in juvenile delinquency court.

The Gaining Education Through Determination program, started in July 2003, focuses on minors in juvenile delinquency proceedings who will not graduate from high school and assists them in preparing for the General Educational Development (GED) exam. The program is voluntary and is free of charge. The program is an effort of Judge Donna M. Petre (co-presiding judge of Yolo's unified family court), the offices of the local sheriff and public defender, the chief probation officer, and volunteer tutor Charlotte Beal.

Other organizations contribute to the program. The Administrative Office of the Courts provides grant funding for the GED study books; the Woodland Library Literacy Program allows the court to use its rooms for tutoring sessions; the Yolo Children's Fund covers the cost of the exam; and a member of the local bar association has offered to give each minor who passes the exam a \$100 graduation gift.

To date, 14 minors have been involved in the program and one has graduated. That graduate received a certificate of successful GED completion from Senator James Nielsen, who is currently the deputy commissioner for the California Board of Prison Terms and has been a member of the Youthful Offender Parole Board.

● For more information, contact Kathlyn Lamoure, Superior Court of Yolo County, 530-666-8377; e-mail: klamoure@yolocourts.com.

Ventura Public Educational Forums

The Superior Court of Ventura County has launched a series of public educational forums based on legal issues that are common among people who use the court's Self-Help Legal Access Centers.

The forums, offered free of charge, are held the second Tuesday evening of each month at the Ventura County Law Library. The topics to be covered include landlord/tenant law, consumer warranties, mediation and alternative means of resolving disputes, identity theft, labor and employment, voting rights, predatory lending, and conservatorships.

The first forum, held March 9, covered the basic laws governing home improvement contracts from the homeowner's and contractor's perspectives, as well as helpful tips to protect both parties. It was taught by Tina Rasnow, the attorney coordinator for the court's Self-Help Legal Access Centers, and Richard Norman, a partner with the law firm of Norman, Dowler, Sawyer, Israel, Walker & Barton, LLP, and a past-president and volunteer attorney for the Ventura County Bar Association.

"We were hoping for more attendees at the March forum, but those who were there appreciated the information," says Ms. Rasnow. "The forums will

Continued on page 15



The California court system's public Web site at www.courtinfo.ca.gov/ and Serranus, the courts' password-protected Web site, at <http://serranus.courtinfo.ca.gov/> continually add information and features to keep the public, judges, and court staff up to date on judicial programs and resources. Following are recent additions.

Listen to Judicial Council Meetings Live

A live audio Webcast of Judicial Council meetings is available via the California Courts Web site.

www.courtinfo.ca.gov/courtadmin/jc/

Advisory Committee and Task Force Updates

Advisory committee and task force workplans, minutes, agendas, rosters, fact sheets, and other resources are now available in the Judicial Council section of Serranus.

<http://serranus.courtinfo.ca.gov/jc/>

Revised Civil Jury Instructions

The Judicial Council approved the publication of revisions to the instructions, which were first published in September 2003. The instructions have been revised to reflect new developments in the law and to improve their accuracy and clarity.

www.courtinfo.ca.gov/reference/4_34juryinst.htm

Interpreter Cross-Assignment Guidelines, Forms

New guidelines and forms provide the steps for requesting a court interpreter pro tempore from another court, along with contact information for regional coordinators.

<http://serranus.courtinfo.ca.gov/reference/interpreter.htm>

Juvenile Court Deskbook

CFCC's *Juvenile Court Administrative Deskbook* is a guide to the day-to-day management of a juvenile court. It serves as both an introduction to juvenile courts for newly assigned judicial officers and an ongoing resource for those with experience in the field.

<http://serranus.courtinfo.ca.gov/reference/jcad.htm>

Juvenile Statistics Online

View the first two chapters, dealing with juvenile delinquency and juvenile dependency, of the *California Juvenile Statistical Abstract*. The abstract contains statistical information about children and families in the courts and related institutions.

www.courtinfo.ca.gov/programs/cfcc/programs/description/CJSA.htm

FAQs on Civil Case Coordination

Answers to frequently asked questions about civil case coordination help parties understand the coordination process.

www.courtinfo.ca.gov/courtadmin/aoc/cccfq.htm

Serranus Reference Made Easy

Browse the new Reference section of Serranus by category or by using the Reference-only search box. Category pages are now accessible from the side-bar navigation, and visitors can read brief descriptions of reference materials by placing their cursor over each title.

<http://serranus.courtinfo.ca.gov/reference/>

● Not a Serranus user? For access, e-mail serranus@jud.ca.gov.

Santa Clara Judges and Staff Read to Students



On March 2, Judge Risë Jones Pichon (left) and Judge Jamie A. Jacobs-May read to students as part of "Read Across America," a nationwide event commemorating the 100th anniversary of the birth of Theodor Seuss Geisel (Dr. Seuss). A total of 71 readers from the Superior Court of Santa Clara County, including 40 judges, volunteered to visit two local elementary schools and read aloud to students for 45 minutes to an hour. Readings were done in English, Spanish, and Vietnamese. Participants also donated nearly 100 new books to the schools. Photo: Courtesy of the Superior Court of Santa Clara County



Calendar

CONFERENCES

- JUN 2-5 National Association of Drug Court Professionals' Drug Court Training Conference, Milwaukee
- JUN 13-25 B. E. Witkin Judicial College, San Francisco
- JUL 11-15 National Association for Court Management (NACM) Annual Conference, Grapevine, Texas
- JUL 25-30 Conference of Chief Justices Annual Meeting, Salt Lake City
- AUG 5-10 American Bar Association Annual Conference, Chicago

JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts in San Francisco unless otherwise noted.

JUN 23 AUG 20

● Contact: Secretariat, 415-865-7640; e-mail: jcservices@jud.ca.gov. Judicial Council meeting information is also posted on the California Courts Web site at www.courtinfo.ca.gov/courtadmin/jc/.

EDUCATION/TRAINING

CJER Programs

- JUN 8 Assigned Judges Conference, Burlingame
- JUN 11 ADA/Access Coordinators' Training, Sacramento
- AUG 2-4 Criminal Law Institute, San Diego
- AUG 2-6 Continuing Judicial Studies Program, San Diego
- AUG 4-6 Civil Law Institute, San Diego
- AUG 16-27 Court Clerk Training Institute, Los Angeles
- AUG 20 ADA/Access Coordinators' Training, Burbank

Court Management

- JUN 16 Leadership Expedition, Burbank
- JUN 23-24 Management Foundations: Basics of Supervision, San Francisco
- JUN 30 Managing @ Court: Using Statistics, Sacramento
- JUN 30 Leadership Expedition, teleconference
- JUL 14-15 Leadership Expedition, Burbank

Court Staff Regional Training

- JUN 15 Juvenile Procedures, Sacramento
- JUN 16 Felony Office Procedures, Sacramento
- JUN 21 Introduction to Courtroom Clerking, Sacramento
- JUN 23 Felony Courtroom Procedures, Sacramento
- JUN 24 Civil Courtroom Procedures, Burbank
- JUN 25 Appeals Processing: Criminal and Traffic, Sacramento
- JUN 30 Traffic Courtroom and Office Procedures, San Francisco
- JUL 7 Traffic Courtroom and Office Procedures, Sacramento

- JUL 8 Juvenile Procedures, Sacramento
- JUL 19 Appeals Processing: Civil, San Francisco

Qualifying Judicial Ethics Training, Second Cycle (QE2)

- JUN 2 San Francisco
- JUN 3 Martinez
- JUN 8 Los Angeles
- JUN 9 Los Angeles
- JUL 28 Los Angeles
- JUL 29 Los Angeles

Financial Reports Training

- JUN 22 Burbank
- JUN 28 San Francisco
- JUL 8 Sacramento

Human Resources

- JUN 29 Labor Relations Regional Forum, Burbank

Family Law

- JUN 3 Juvenile Dependency Mediator Training, San Francisco
- JUN 3-4 Unified Courts for Families—Mentor Courts Annual Meeting, San Francisco
- JUN 4 Juvenile Dependency Mediator Training, Burbank
- JUN 6-8 Enhancing Judicial Skills in Domestic Violence Cases, San Francisco
- AUG 2-6 Institute for New Court Professionals, San Francisco

Getting in Touch

The Administrative Office of the Courts (AOC) provides easy access to its staff through the AOC Phone List and AOC Subject Matter Referral List. The phone list contains contact numbers for all AOC employees, listed both alphabetically and by division and unit. The referral list provides contacts for information on specific topics, such as accounting, juvenile courts, and new judge education.

The AOC Phone List and AOC Subject Matter Referral List can be viewed at http://serranus.courtinfo.ca.gov/documents/smr_list.pdf.

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